

REFERENCE TITLE: **consolidation of towns**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# **SB 1257**

Introduced by  
Senator Allen S

AN ACT  
AMENDING SECTION 9-121, ARIZONA REVISED STATUTES; RELATING TO CONSOLIDATION OF TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 9-121, Arizona Revised Statutes, is amended to  
3 read:

4           9-121. Consolidation of towns

5       A. When the common councils of two incorporated towns having a common  
6 boundary and located in a county having a population of less than one hundred  
7 fifty thousand persons each pass a resolution requesting an election for the  
8 purpose of consolidating the two towns into one incorporated town, the board  
9 of supervisors of the county ~~shall~~, within sixty days after certified copies  
10 of the resolutions of the two towns are filed with the clerk of the board of  
11 supervisors, **SHALL** adopt a resolution calling an election ~~upon~~ ON the  
12 question of the consolidation, and the question of the name of the new  
13 proposed town, which election shall be held on a date prescribed by section  
14 16-204 but not more than one hundred eighty days after the county resolution  
15 is filed. The resolution shall set forth the following:

- 16           1. The date on which the election is to be held.  
17           2. The places where votes may be cast, and at least one place shall be  
18 designated within the corporate limits of each of the two towns.  
19           3. The hours between which the polling places will be open.  
20           4. The name of the proposed consolidated town listing two to four  
21 choices.

22       B. The election resolution shall be published in full at least once,  
23 not less than ~~fifteen~~ THIRTY nor more than ~~thirty~~ SIXTY days ~~prior to~~ BEFORE  
24 the date of the election in a newspaper published in the county. If there is  
25 no such newspaper, the resolution shall be posted in five conspicuous places  
26 in each of the municipalities not less than ~~fifteen~~ THIRTY nor more than  
27 ~~thirty~~ SIXTY days ~~prior to~~ BEFORE the date of the election.

28       C. At the election, the ballot shall contain and may be limited to the  
29 following:

30           1. The phrases "for the consolidation" and "against the  
31 consolidation". To the right of and opposite each phrase shall be placed a  
32 square approximately the size of squares placed opposite the names of  
33 candidates on ballots. The voter shall indicate his vote for the  
34 consolidation or against the consolidation by inserting the mark "X" in the  
35 square opposite the appropriate phrase. No other question, word nor figure  
36 need be printed on the ballot. The ballot need not be any particular size  
37 nor need sample ballots be printed, posted or distributed.

38           2. The phrase "if consolidation is approved, choose one of the  
39 following as the name of the new proposed town." To the right of and  
40 opposite each suggested name shall be placed a square approximately the size  
41 of squares placed opposite the names of candidates on ballots. The voter  
42 shall indicate the vote for the name of the new proposed town by inserting  
43 the mark "X" in one square only opposite the name chosen.

44       D. Only qualified electors of the towns shall vote on the question. If  
45 a majority of the qualified electors voting thereon, in each incorporated

1 town, ~~votes~~ VOTE for consolidation, ~~then~~ the board of supervisors shall by an  
2 order entered of record by the board declare the two incorporated towns  
3 consolidated into one incorporated town **EFFECTIVE ON THE BEGINNING OF THE**  
**NEXT FISCAL YEAR**, and the order of the board shall designate the name of the  
4 town, which shall be the name chosen by the most voters in the election as  
5 set forth in the resolution calling the election.

6 E. Except as otherwise provided in this article, the manner of  
7 conducting the registration and election, keeping the poll lists, making the  
8 returns, declaring the results and doing all acts relating to the election  
9 shall conform to the procedure provided by law for the registration and  
10 qualification of electors and holding elections wherein the question of  
11 issuance of bonds of municipal corporations is submitted to an election.

12 ~~F. The first common council for the new town shall be appointed by the~~  
13 ~~board of supervisors in the manner provided in section 9-231, for towns newly~~  
14 ~~incorporated.~~

15 F. THE BOARD OF SUPERVISORS SHALL APPOINT THE FIRST COMMON COUNCIL FOR  
16 THE NEW TOWN WITH THE APPOINTMENT EFFECTIVE AT THE BEGINNING OF THE NEXT  
17 FISCAL YEAR FOLLOWING THE ELECTION. THE BOARD OF SUPERVISORS SHALL APPOINT  
18 SEVEN MEMBERS AT LEAST THREE OF WHOM ARE FROM EACH OF THE TWO TOWNS  
19 CONSOLIDATED. FOLLOWING APPOINTMENT, THE COUNCIL SHALL DESIGNATE ONE OF ITS  
20 MEMBERS TO SERVE AS MAYOR. FOLLOWING THE FORMATION OF THE NEW TOWN, THE NEW  
21 TOWN SHALL BE DIVIDED BY THE APPOINTED COUNCIL INTO SIX DISTRICTS, AND AN  
22 ELECTION SHALL BE CALLED TO FILL THE SIX COUNCIL DISTRICTS AND ELECT AT LARGE  
23 A DIRECTLY ELECTED MAYOR. THIS ELECTION SHALL BE HELD ON A DATE PRESCRIBED  
24 BY SECTION 16-204 BUT NOT LESS THAN ONE HUNDRED AND EIGHTY DAYS AFTER THE  
25 DATE THE CONSOLIDATION BECAME EFFECTIVE. THE MAYOR AND COUNCIL MEMBERS SHALL  
26 SERVE FOUR-YEAR STAGGERED TERMS. AT THE FIRST ELECTION, THE THREE COUNCIL  
27 MEMBERS WITH THE HIGHEST VOTE SHALL SERVE FOUR-YEAR TERMS AND THE THREE OTHER  
28 ELECTED COUNCIL MEMBERS SHALL SERVE TWO-YEAR TERMS IN ORDER TO ACCOMPLISH  
29 STAGGERED TERMS FOR FUTURE ELECTIONS.

30 G. The incorporated limits of the new town shall be the combined  
31 corporate limits of the two former incorporated towns at the time of the  
32 election. The ordinances and resolutions of the former towns shall continue  
33 in force unless repealed or changed by the new common council. In case of  
34 conflict between ordinances or resolutions, the ordinance or resolution of  
35 the former town having the largest population at the last federal decennial  
36 census shall prevail. The new town shall be liable for all debts and  
37 liabilities of the two former towns, ~~—~~ and shall be entitled to receive all  
38 property and rights of action belonging to the former towns.

39 H. Towns incorporated pursuant to this article shall have all powers,  
40 duties, rights and privileges granted to incorporated towns under the laws  
41 and constitution of ~~the~~ THIS state ~~of Arizona~~. FOR THE PURPOSES OF STATE  
42 SHARED REVENUES, INCLUDING STATE TRANSACTION PRIVILEGE TAXES, STATE INCOME  
43 TAXES, VEHICLE LICENSE TAXES, HIGHWAY USER REVENUES AND LOCAL TRANSPORTATION

1 ASSISTANCE FUND MONIES, A COMBINED AMOUNT THAT WOULD HAVE BEEN DISTRIBUTED TO  
2 THE TWO FORMER TOWNS SHALL BE DISTRIBUTED TO THE NEW TOWN.

3 I. THE CONSOLIDATED TOWN SHALL HAVE A PROPERTY TAX LEVY LIMIT  
4 CALCULATED AS THE COMBINED MAXIMUM ALLOWABLE LEVY LIMIT OF THE TWO TOWNS  
5 UNLESS ANOTHER LEVY LIMIT IS APPROVED BY THE VOTERS OF THE CONSOLIDATED TOWN  
6 AT A REGULARLY SCHEDULED ELECTION. THE EXPENDITURE LIMIT OF THE CONSOLIDATED  
7 TOWN SHALL BE THE COMBINED ALTERNATIVE EXPENDITURE LIMITATIONS OF THE TWO  
8 TOWNS UNTIL THE FISCAL YEAR FOLLOWING THE CONSOLIDATED TOWN'S FIRST REGULAR  
9 ELECTION. AT THE ELECTION, THE COUNCIL MAY PROPOSE AN ALTERNATIVE  
10 EXPENDITURE LIMITATION OR PERMANENT BASE ADJUSTMENT. IF THE ALTERNATIVE  
11 EXPENDITURE LIMITATION OR PERMANENT BASE ADJUSTMENT IS NOT APPROVED, THE  
12 CONSOLIDATED TOWN'S EXPENDITURE LIMITATION SHALL BE CALCULATED USING THE  
13 FORMULA PROVIDED FOR A NEWLY INCORPORATED CITY UNLESS SUBSEQUENTLY CHANGED BY  
14 THE VOTERS.